

SCOTTSDALE

CITY COUNCIL MEETING

MEETING NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, February 5, 2008

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. REQUEST FOR EXECUTIVE SESSION TO:
 - A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and potential settlement and instruct its attorneys regarding Nicholas Ruppert v. City of Scottsdale, currently pending in Maricopa County Superior Court as Cause No. CV2006-001780. ARS § 38-431.03(A)(3-4). Contacts: Deborah Robberson, City Attorney, 480-312-2405 drobberson@scottsdaleaz.gov; Sherry R. Scott, Deputy City Attorney, 480-312-2405, sscott@scottsdaleaz.gov.
2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:
 - A. Discuss and consult with attorneys and representatives of the public body for legal advice and to consider its position and potential settlement and to instruct its attorneys regarding Nicholas Ruppert v. City of Scottsdale, currently pending in Maricopa County Superior Court as Cause No. CV2006-001780. ARS § 38-431.03(A)(3-4).

Adjourn to Executive Session

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

Presentations/Information Updates

Approval of Minutes

REGULAR MEETINGS

[January 8, 2008](#)

SPECIAL MEETINGS

[January 15, 2008](#)[January 22, 2008](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

Public Comment

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during “Public Comment” time.**

CONSENT AGENDA ITEMS 1-10

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor’s discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Ancala Country Club \(Bar\) Liquor License](#)

Request: Consider forwarding a recommendation on Application No. 116-LL-2007 to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.

Location: 11700 E. Via Linda

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. [Pinnacle Pizza \(Beer and Wine Bar\) Liquor License](#)

Request: Consider forwarding a recommendation on Application No. 1-LL-2008 to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) liquor license for an existing location.

Location: 23623 N. Scottsdale Road, Suite D4

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

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3. **Concurrence with Land Annexation within the Town of Fountain Hills Sanitary District**
Request: Adopt **Resolution No. 7485** consenting to an annexation within the Fountain Hills Sanitary District of property owned by Fountain Hills Investment Company, LLC.
Related Policies, References: A.R.S. § 28-262(I) and 2001(c)
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Marshall Brown, Acting Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov
4. **DUI Task Force Grant**
Requests:
 1. Adopt **Resolution No. 7471** authorizing the City to enter into Agreement No. 2008-011-COS with the State of Arizona, Oversight Council on Driving or Operating Under the Influence Abatement, to accept a \$50,000 grant in support of the DUI task force. The grant allows the Police Department's Traffic Enforcement Section to reimburse program overtime and employee related expenses. The grant does not require the City to match grant funding.
 2. Authorize a budget transfer in the amount of \$50,000 from the Future Grants Budget adopted in the FY 2007/08 Grants Budget to the center assigned to record the related grant activity.**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, arodbell@scottsdaleaz.gov
5. **2008 Federal Legislative Program**
Request: Consider approval of the City of Scottsdale 2008 Federal Legislative Program.
Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov
6. **Digestif Restaurant Outdoor Dining License Agreement on City Plaza Parcel**
Request: Adopt **Resolution No. 7459** authorizing Agreement No. 2008-003-COS with Stetson Canal Project, L.L.C. for use of approximately 389 square feet of City-owned property located on the south side of the Arizona Canal right-of-way, just west of Marshall Way, for outdoor dining in conjunction with the adjacent restaurant property.
Location: South side of the Arizona Canal right-of-way and west of Marshall Way
Related Policies, References:
 - Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.
 - Development Agreement No. 2004-034-COS between the City and Spring Creek Development dated May 17, 2004, for development along the south Arizona Canal banks between Goldwater Boulevard and Scottsdale Road (Exhibit Q created the template for the outdoor dining agreements with the developer).
 - City Council sent recommendations to the Arizona Department of Liquor Licenses and Control for a license at the premises for Digestif Restaurant in the fall of 2007.
 - On November 20, 2007, Council approved Resolution No. 7412, authorizing four licenses with Salt River Project (SRP) and four outdoor dining licenses with private entities for restaurant patios within the SRP Arizona Canal right-of-way adjacent to the north side of the Stetson Canal/Southbridge Project.**Staff Contact(s):** Dave Roderique, Economic Vitality General Manager, 480-312-7989, droderique@scottsdaleaz.gov

CONSENT AGENDA

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7. **Intergovernmental Agreement for a Regional Park-and-Ride Facility**

Request: Adopt **Resolution No. 7390** authorizing Intergovernmental Agreement No. 2007-170-COS with the Regional Public Transportation Authority to accept Proposition 400 public transportation funds in the amount of \$853,835 for land acquisition and construction of a regional park-and-ride facility along the Loop 101 freeway. The reimbursement is anticipated and included in the proposed Capital Improvement Program budget for FY 2008/09.

Related Policies, References: City Procurement Code; Code of Federal Regulations

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

8. **Engineering Services Contract for Sewer Rehabilitation Projects**

Request: Adopt **Resolution No. 7426** authorizing Engineering Services Contract No. 2007-198-COS with Dibble Engineering in an amount not to exceed \$224,558.42 for design of sewer rehabilitation projects throughout the southern portion of Scottsdale.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

9. **Concurrence with the ASU Foundation Selection of a Construction Manager at Risk for Construction of the SkySong Parking Structure**

Request: Adopt **Resolution No. 7469** concurring with the selection of Sundt Construction, Inc. as the Construction Manager at Risk (CM@Risk) for construction of the SkySong parking garage.

Related Policies, References:

- On July 6, 2004, Council approved Lease Agreement No. 2004-119-COS with the ASU Foundation. This established a ground lease for development of the ASU-Scottsdale Center for New Technology and Innovation, now known as SkySong.
- On July 10, 2006, Council approved Amended Lease Agreement No. 2004-119-COS-A1 with the ASU Foundation. This allowed for the addition of residential uses in the project and adjusted the City of Scottsdale's responsibility for infrastructure improvement funding from \$44.5M to \$41.5M.
- On July 9, 2007, Council approved Resolution No. 7225 concurring with the selection of Mark Taylor Residential Inc., as the CM@Risk for construction of the SkySong parking garage; and authorizing payment of \$6,000,000 to the Arizona State University Foundation for the construction of the garage per the Lease Agreement.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

CONSENT AGENDA

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10. **Construction Phase Services Contract for Construction of Sewer System Improvements along the Culver Street Alignment**

Request: Adopt **Resolution No. 7468** authorizing Construction Manager at Risk (CM@Risk) Construction Services Contract No. 2008-013-COS with Don Kelly Construction, Inc. for construction of sewer improvements along the Culver Street alignment from 74th Street to Miller Road at a guaranteed maximum price of \$1,166,498.82.

Related Policies, References:

- On July 11, 2006, Council approved Engineering Services Contract No. 2006-095-COS with Brown and Caldwell Engineering for the design of Miller Road sewer improvements.
- On July 9, 2007, Council approved CM@Risk Design Phase Services Contract No. 2007-127-COS with Don Kelly Construction, Inc. for Miller Road sewer improvements.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

Regular Agenda begins on the following page

REGULAR AGENDA

ITEMS 11-12

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How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

11. [Ranches at Stagecoach Pass Rezoning](#)

Requests:

1. Approve Case No. 18-ZN-2006, a rezoning from Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL) to Single Family Residential District, Environmentally Sensitive Lands (R1-70 ESL) with amended development standards on a 20± acre site located at 36180 N. Windmill Road.
2. Adopt **Ordinance No. 3754** affirming the rezoning.

Location: 36180 N. Windmill Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

12. [Club Rain and Lounge \(Bar\) Liquor License](#)

Request: Consider forwarding a recommendation on Application No. 51-LL-2007 to the Arizona Department of Liquor Licenses and Control for a person transfer of series 6 (bar) license at an existing location.

Location: 1420 N. Scottsdale Road

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

Mayor and Council Items begin on the following page

MAYOR AND COUNCIL

ITEMS 13-14

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Mayor and Council Items

13. [Citizen Petition Requesting a Local Neighborhood Street Circulation Plan](#)

Request: Consideration of, and possible action on, a citizen petition, as provided for by City Charter, regarding a local neighborhood street circulation plan. The petition was provided to the Council at the January 8, 2008 City Council Meeting by Mr. Leon Spiro. The petition requests “the City Council of the City of Scottsdale to demand from the Director of the Transportation Department the presently ‘approved’ Neighborhood Local Street Circulation Plan for the following Quarter Sections: 49-46, 50-46, 51-46, 51-45, 51-44, and 51-43.”

Related Policies, References: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Mary O’Connor, Transportation General Manager, 480-312-2334,
moconnor@scottsdaleaz.gov

14. [Citizen Petition Requesting a Protected Crossing for Trail Users at the Corner of Pima and Jomax Roads](#)

Request: Consideration of, and possible action on, a citizen petition, as provided for by City Charter, regarding a protected crossing for trail users at the corner of Pima and Jomax Roads. The petition was provided to the Council at the January 8, 2008 City Council Meeting by Mr. Leon Spiro. The petition requests “the City Council to beg City Manager Jan Dolan to honor Council Request made 5 June 2007 in their 7/0 motion directing Staff to Agendize for discussion at a future Council Meeting, and to provide an analysis of all alternatives for providing a protected crossing for Trail Users at the corner of Pima and Jomax Roads.”

Related Policies, References: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Mary O’Connor, Transportation General Manager, 480-312-2334,
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City Manager’s Report

Mayor and Council Items

Adjournment